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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,445	07/19/1999	SATOSHI IWATA	614.1989	7838
21171	7590	02/07/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VO, CLIFF N	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/356,445

Applicant(s)

IWATA ET AL.

Examiner

CLIFF N. VO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,6,9-14,16 and 20-30 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,8,15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment filed September 12, 2005 which has been entered into the record of file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3, 5, 7-8, 15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (U.S. Patent No. 5,923,337).

As per independent claims 1 and 17, Yamamoto teaches a method and system for communicating through computer animated images comprising a means for generating a sequential character image (col.11, lines 17-19) by connecting a plurality of unit image groups (Fig.18, col.11, lines 26-30, i.e., one of the unit image groups such as an image sequence describing happiness, anger, surprise and so on of the

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character), each of the plurality of unit image groups being made up of a plurality of sequential images (col.11, lines 45-51), being defined and guaranteed in advance (col.11, lines 37-39; 48-53; col.12, lines 43-52, i.e., system always, "guaranteed", updates animation sequence based upon the received input, next orientation signal, "in advance") to indicate one communication information to a viewer (col.11, lines 39-44), and being specified by attribute information corresponding to the one communication information indicated thereby (col.11, lines 48-51 and col.12, lines 30-34, i.e., happiness, anger, surprise ... attribute information), and a means for displaying the sequential character image (col.11, lines 45-51).

Claim 3 is similar to claim 1, Yamamoto would have inherently included a computer program stored in a computer readable medium in order to instruct the computer graphics system cited at col.2, lines 29-32 to perform those steps as now cited in claim 3.

Claim 5 is similar to claim 1, Yamamoto further teaches a retrieving part reading based on the input attribute information and editing means at col.12, lines 35-52.

Claim 7 is similar to claim 5, Yamamoto would have inherently included a computer program stored in a computer readable medium in order to instruct the computer graphics system cited at col.2, lines 29-32 to perform those steps as now cited in claim 7.

Claim 8 is similar to claim 1, Yamamoto further teaches a control means at col.14, lines 52-57.

Claim 15 recites a method which performed by the system claim 1, thus it is rejected under a similar rationale.

As per dependent claims 18-19, Yamamoto further teaches the claimed features at Fig.24.

Allowable Subject Matter

4. Claims 2, 4, 6, 9-14, 16 and 20-30 are allowed over the cited prior art.

Response to Arguments

5. Applicant's arguments filed September 12, 2005 have been fully considered but they are not persuasive. The Applicant argues in his remark section that the cited prior art fails to teach "unit image groups" and there is no concept of specifying the "unit image groups" by the "attribute information". The examiner respectfully disagrees with this argument since Yamamoto clearly teaches "unit image groups" and "attribute information" at Fig.18, col.11, lines 26-30, i.e., one of the unit image groups such as an image sequence describing happiness, anger, surprise and so on of the character, and col.11, lines 48-51 and col.12, lines 30-34, i.e., happiness, anger, surprise ... attribute information. Applicant is respectfully requested to refer to the rejection to the claims as described in above for further explanation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLIFF N. VO whose telephone number is 571-272-7651. The examiner can normally be reached on 2nd Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

CLIFF N VO
Examiner
Art Unit 2676

